

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|               |   |                           |
|---------------|---|---------------------------|
| In re         | ) | Case No: 21-00926         |
|               | ) |                           |
| Grace Gorska, | ) | Chapter: 13               |
|               | ) |                           |
| Debtor.       | ) | Judge: Hon. Janet S. Baer |

**NOTICE OF MOTION**

**TO: See attached service list**

PLEASE TAKE NOTICE that on September 17, 2021 at 9:30 a.m., or soon thereafter as I may be heard, I shall appear before the Honorable Janet S. Baer, or any judge sitting in that judge's place, and present the motion of VW Credit Leasing, Ltd ("Movant"), to Modify the Automatic Stay, a copy of which is attached.

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is 160 731 2971 and the password is 587656. The meeting ID and password can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

BONIAL & ASSOCIATES, P.C.

/s/ Wesley T. Kozeny

Wesley T. Kozeny / # 6199471

12400 Olive Blvd, Suite 555

St. Louis, Missouri 63141

Phone: (314) 991-0255

Fax: (314) 991-6755

ILBK@BonialPC.com

Attorney for VW Credit Leasing, Ltd

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this notice and the attached motion was served on each entity shown on the attached list at the address shown and by the method indicated on the list on August 23, 2021.

Respectfully Submitted

/s/ Wesley T. Kozeny

Wesley T. Kozeny

### **Service List:**

**Debtor's Attorney**

David M. Siegel  
David M. Siegel & Associates  
790 Chaddick Drive  
Wheeling, IL 60090

***via Electronic Notice via CM/ECF***

**Chapter 13 Trustee**

Glenn B. Stearns  
801 Warrenville Road, Suite 650  
Lisle, Illinois 60532

***via Electronic Notice via CM/ECF***

**US Trustee**

Office of the U.S.Trustee  
219 S. Dearborn St., Room 873  
Chicago, Illinois 60604

***via Electronic Notice via CM/ECF***

**Debtor**

Grace Gorska  
1038 Swift Rd., Apt. #2A  
Glen Ellyn, IL 60137

***via U.S. Mail***

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|               |   |                           |
|---------------|---|---------------------------|
| In re         | ) |                           |
|               | ) | Case No: 21-00926         |
| Grace Gorska, | ) |                           |
| Debtor(s).    | ) | Chapter: 13               |
|               | ) | Judge: Hon. Janet S. Baer |

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW VW Credit Leasing, Ltd, its subsidiaries, affiliates, predecessors in interest, successors and/or assigns ("Movant"), through the undersigned counsel, pursuant to Federal Rules of Bankruptcy Procedure 4001 and 9014, and states as follows in support of its Motion herein:

*REQUIRED STATEMENT (Form G-4) IS ANNEXED HERETO AND FILED  
HEREWITH AS REQUIRED BY LOCAL RULE 4001-1*

1. On January 24, 2021, the Debtor, above-named, filed a voluntary petition in Bankruptcy under Title 11, Chapter 13, U.S.C., in the United States Bankruptcy Court, for the Northern District of Illinois.

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sections 151, 157 and 1334 and applicable local rules. This is a core proceeding pursuant to 28 U.S.C. Section 157(b)(2). Venue is proper in this District under 28 U.S.C. Section 1409(a).

3. The Debtor, Grace Gorska, ("Obligor(s)") is indebted to Movant pursuant to a Lease Agreement (the "Debt Obligation"). A copy of the Debt Obligation is attached

hereto and incorporated herein as Exhibit A. Movant is entitled to enforce the Debt Obligation.

4. As security for repayment of the Debt Obligation the Obligor(s) have pledged certain collateral described as 2020 VOLKSWAGEN JETTA SEDAN, VIN: 3VWEB7BU0LM073876 ("Collateral"). A copy of the proof of perfection of Movant's interest in the Collateral ("Security Interest") is attached hereto and incorporated herein as Exhibit B.

5. All rights and remedies under the Debt Obligation and Security Interest have been assigned to the Movant.

6. As of August 23, 2021, the outstanding indebtedness owed to Movant less any partial payments or suspense balance is \$25,602.60.

7. As of August 23, 2021, the value of the Collateral is \$25,425.00. The basis for this value is NADA estimate of value. A copy of said valuation is attached hereto as Exhibit C.

8. The following chart sets forth the number and amount of post-petition payments due pursuant to the terms of the Debt Obligation and proposed or confirmed Plan that have been missed by the Debtor as of August 23, 2021:

| Number of Missed Payments                 | From       | To         | Monthly Payment Amount | Total Missed Payments |
|---|------------|------------|------------------------|-----------------------|
| 3   | 06/06/2021 | 08/06/2021 | \$410.35               | \$1,231.05            |
| Less partial payments (suspense balance): |            |            |                        | \$0.00                |
| Total:                                    |            |            |                        | \$1,231.40            |

Movant's payment history is attached hereto as Exhibit D.

9. The address to which payments are to be made to Servicer as agent for Movant is:

National Bankruptcy Services, LLC  
P.O. Box 734400  
Dallas, Texas 75373-4400

10. Cause exists for relief from the automatic stay under 11 U.S.C. §362(d) for the following reasons:

- a. 11 U.S.C. §362(d)(1) - For cause in that payments required to be made by Obligors to Movant are not being made as required by the Debt Obligation and the terms of the confirmed Plan.
- b. 11 U.S.C. §362(d)(2)(A) & (B) - Debtor enjoys no equity in the Collateral and the Collateral is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order:

1. Terminating or modifying the stay imposed by 11 U.S.C. 362(a) allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies in and to the Collateral.
2. That the Order be binding and effective despite any conversion of the bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

4. For such other relief as the Court deems proper.

Dated: August 23, 2021

BONIAL & ASSOCIATES, P.C.

/s/ Wesley T. Kozeny

Wesley T. Kozeny / # 6199471

12400 Olive Blvd, Suite 555

St. Louis, Missouri 63141

Phone: (314) 991-0255

Fax: (314) 991-6755

ILBK@BonialPC.com

Attorney for VW Credit Leasing, Ltd

**REQUIRED STATEMENT  
TO ACCOMPANY MOTIONS FOR RELIEF FROM STAY**

Debtor(s) Grace Gorska Case No. 21-00926 Chapter 13

Moving Creditor VW Credit Leasing, Ltd Date Case Filed 01/24/2021

Nature of Relief Sought ☒ Lift Stay ☐ Annual Stay ☐ Other (describe) \_\_\_\_\_

Date of Confirmation Hearing \_\_\_\_\_ or Date Plan Confirmed 06/17/2021

1. Collateral
  - a. ☐ Home
  - b. ☒ Car Year, Make Model 2020 VOLKSWAGEN JETTA SEDAN, VIN: 3VWEB7BU0LM073876
  - c. ☐ Other (describe) \_\_\_\_\_
2. Balance Owed as of Petition Date \$25,602.60  
Total of all other Liens against Collateral \_\_\_\_\_
3. In chapter 13 cases, if a post-petition default is asserted in the motion, attach a payment history listing the amounts and dates of all payments received from the debtor(s) post-petition.
4. Estimated Value of Collateral (must be supplied in *all* cases) \$25,425.00
5. Default
  - a. ☐ Pre-Petition Default  
Number of months \_\_\_\_\_ Amount: \_\_\_\_\_
  - b. ☒ Post-Petition Default  
Number of months \_\_\_\_\_ Amount: \_\_\_\_\_
    - i. ☒ On direct payments to the moving creditor  
Number of months 3 Amount: \$1,231.40
    - ii. ☐ On payments to the Standing Chapter 13 Trustee  
Number of months \_\_\_\_\_ Amount: \_\_\_\_\_
6. Other Allegations
  - a. ☒ Lack of Adequate Protection § 362(d)(1)
    - i. ☐ No insurance
    - ii. ☐ Taxes unpaid Amount \_\_\_\_\_
    - iii. ☒ Rapidly depreciating asset
    - iv. ☐ Other (describe): \_\_\_\_\_
  - b. ☒ No Equity and not Necessary for an Effective Reorganization § 362(d)(2)
  - c. ☒ Other "Cause" § 362(d)(1)
    - i. ☐ Bad Faith (describe) \_\_\_\_\_
    - ii. ☐ Multiple Filings
    - iii. ☒ Other (describe): Failure to pay per the contract and confirmed Plan
  - d. Debtor's Statement of Intention regarding the Collateral
    1. ☐ Reaffirm
    - ii. ☐ Redeem
    - iii. ☐ Surrender
    - iv. ☐ No Statement of Intention Filed



Date: August 23, 2021

/s/ Wesley T. Kozeny  
Counsel for Movant

[illegible]





| STATE OF ILLINOIS   |                |  |                             |                              |                         |
|---|----------------|--|-----------------------------|------------------------------|-------------------------|
| CERTIFICATE OF TITLE OF A VEHICLE   |                |  |                             |                              |                         |
| VEHICLE IDENTIFICATION NO.<br>3YWEB7BLUJLM73876   | YEAR<br>2020   | MAKE<br>VOLKSWAGEN                         | MODEL<br>JETTA              | BODY STYLE<br>SEDAN          | TITLE NO.<br>2102850177 |
| DATE ISSUED<br>01/28/21   | ODOMETER<br>12 | CCM  | MOBILE HOME SQ. FT.         | PURCHASED<br>01/07/21<br>NEW | TYPE TITLE<br>ORIGINAL  |
| MAILING ADDRESS   |                |  | LEGEND(S)<br>ACTUAL MILEAGE |                              |                         |
| VOLKSWAGEN CREDIT LEASING<br>1401 FRANKLIN BLVD<br>LIBERTYVILLE IL 60048-4460   |                |  |                             |                              |                         |
| OWNER(S) NAME AND ADDRESS<br>VOLKSWAGEN CREDIT LEASING LSR<br>GRACE GORSKA LSE<br>1038 SWIFT RD UNIT 2A<br>GLEN ELLYN IL 60137-3406   |                |  |                             |                              |                         |
| FIRST LIENHOLDER NAME AND ADDRESS<br>VOLKSWAGEN CREDIT LEASING<br>1401 FRANKLIN BLVD<br>LIBERTYVILLE IL 60048-4460  |                |  |                             |                              |                         |
| SECOND LIENHOLDER NAME AND ADDRESS  |                |  |                             |                              |                         |
| <p>RELEASE OF VEHICLE</p> <p>The Lienholder on the vehicle described in this Certificate does hereby state that the lien is released and discharged.</p> <p>For Name: _____ For _____ Signature of Authorized Agent _____ Date _____</p> <p>For Name: _____ For _____ Signature of Authorized Agent _____ Date _____</p>  |                |  |                             |                              |                         |
| <p>NEW LIEN ASSIGNMENT: The information herein must be on an application for title and presented to the Secretary of State.</p> <p>Assigned Party: _____</p>  |                |  |                             |                              |                         |
| <p>ASSIGNMENT OF TITLE</p> <p>The undersigned hereby certifies that the vehicle described in this title has been assigned to the following named name and address:</p> <p>I certify to the best of my knowledge that the information relating to the actual mileage of the vehicle comes from one of the following statements checked:</p> <p><input checked="" type="checkbox"/> 1. The mileage stated is in excess of its mechanical limits.<br/> <input type="checkbox"/> 2. The odometer reading is not the actual mileage.<br/> <b>WARNING-ODOMETER DISCREPANCY.</b></p> <p>To this vehicle is one of more than 4 conventional engines mounted by this law of day that the vehicle is not damaged in excess of 25% of its fair market value unless this document is accompanied by a mileage application.</p> <p>Printed Name(s) of Seller(s) _____ DATE OF SALE _____<br/> I am owner of the above information certification made by seller.<br/> Printed Name(s) of Buyer(s) _____</p> |                |  |                             |                              |                         |
| <p>I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that according to the records on file with my Office, the person or entity named herein is the owner of the vehicle described herein, which is subject to the above named liens and encumbrances, if any.</p> <p>IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE AND THE GREAT SEAL OF OFFICE, DO.</p> <p>THE STATE OF ILLINOIS AT SPRINGFIELD</p> <p>  </p>   |                |  |                             |                              |                         |
| DO NOT ACCEPT TITLE SHOWING ANY ERASURES, ALTERATIONS OR MUTILATIONS.   |                |  |                             |                              |                         |
| MUST BE COMPLETED BY SELLER   |                | DO NOT DETACH UNTIL SOLD<br>NOTICE OF SALE |                             | SEE INSTRUCTIONS ON REVERSE  |                         |
| VOLKSWAGEN  |                | 3YWEB7BLUJLM73876                          |                             | Date                         |                         |
| Name of Seller (Current Registered Owner)   |                | Name of Buyer                              |                             |                              |                         |
| Complete Address of Seller  |                | Complete Address of Buyer                  |                             |                              |                         |

## Vehicle Information

**Vehicle:** 2020 Volkswagen Jetta Sedan 4D SEL  
 1.4L I4 Turbo Auto  
**Region:** Central  
**Period:** August 23, 2021  
**VIN:** 3VWEB7BU0LM073876  
**Mileage:** 27,500  
**Base MSRP:** \$25,495  
**Typically Equipped MSRP:** \$26,415  
**Weight:** 2,970



## J.D. POWER Used Cars/Trucks Values

|                 | Base     | Mileage Adj. | Option Adj. | Adjusted Value  |
|-----------------|----------|--------------|-------------|-----------------|
| <b>Monthly</b>  |          |              |             |                 |
| <b>Trade-In</b> |          |              |             |                 |
| Rough           | \$20,100 | N/A          | N/A         | <b>\$20,100</b> |
| Average         | \$21,525 | N/A          | N/A         | <b>\$21,525</b> |
| Clean           | \$22,675 | N/A          | N/A         | <b>\$22,675</b> |
| Clean Loan      | \$20,425 | N/A          | N/A         | <b>\$20,425</b> |
| Clean Retail    | \$25,425 | N/A          | N/A         | <b>\$25,425</b> |
| <b>Weekly</b>   |          |              |             |                 |
| <b>Auction</b>  |          |              |             |                 |
| Low             | \$17,375 | \$116        | N/A         | <b>\$17,491</b> |
| Average         | \$20,300 | \$116        | N/A         | <b>\$20,416</b> |
| High            | \$23,225 | \$116        | N/A         | <b>\$23,341</b> |
| <b>Trade-In</b> |          |              |             |                 |
| Rough           | \$19,500 | N/A          | N/A         | <b>\$19,500</b> |
| Average         | \$20,925 | N/A          | N/A         | <b>\$20,925</b> |
| Clean           | \$22,075 | N/A          | N/A         | <b>\$22,075</b> |
| Clean Loan      | \$19,875 | N/A          | N/A         | <b>\$19,875</b> |

|              | Base     | Mileage Adj. | Option Adj. | Adjusted Value  |
|--------------|----------|--------------|-------------|-----------------|
| Clean Retail | \$24,825 | N/A          | N/A         | <b>\$24,825</b> |

\*The auction values displayed include typical equipment and adjustments for mileage and any of the following applicable accessories: engine size, drivetrain, and trim.

### Selected Options

|                       | Trade-In/Loan | Retail |
|-----------------------|---------------|--------|
| Remote Engine Starter | w/body        | w/body |
| Heated Rear Seats     | w/body        | w/body |

## EXHIBIT - D

|               |                             |
|---------------|-----------------------------|
| Creditor:     | VW Credit                   |
| Debtor:       | Gorska, Grace               |
| Case No.:     | 21-00926                    |
| Loan No.:     | xxxxxx0587                  |
| Our File No.: | 7229-N-8758                 |
| Collateral:   | 2020 Volkswagen Jetta Sedan |

**PAYMENTS RECEIVED**

Loan Status as of: 8/20/2021

Initial Due Date: 2/6/2021

Due Date Change:

| Date Received | Amount Received    | Due Date | Amount Due         | NSF/Late Charges/Other | Paid Over/Short      | Description     |
|---------------|--------------------|----------|--------------------|------------------------|----------------------|-----------------|
|               | \$ -               | 2/6/2021 | \$ 410.35          | \$ -                   | \$ (410.35)          | Payment Accrued |
| 2/15/2021     | \$ 410.35          |          |                    | \$ -                   | \$ 410.35            | Funds Received  |
|               | \$ -               | 3/6/2021 | \$ 410.35          | \$ -                   | \$ (410.35)          | Payment Accrued |
| 3/26/2021     | \$ 410.35          |          |                    | \$ -                   | \$ 410.35            | Funds Received  |
|               | \$ -               | 4/6/2021 | \$ 410.35          | \$ -                   | \$ (410.35)          | Payment Accrued |
| 4/30/2021     | \$ 410.35          |          |                    | \$ -                   | \$ 410.35            | Funds Received  |
|               | \$ -               | 5/6/2021 | \$ 410.35          | \$ -                   | \$ (410.35)          | Payment Accrued |
| 6/1/2021      | \$ 410.00          |          |                    | \$ -                   | \$ 410.00            | Funds Received  |
|               | \$ -               | 6/6/2021 | \$ 410.35          | \$ -                   | \$ (410.35)          | Payment Accrued |
|               | \$ -               | 7/6/2021 | \$ 410.35          | \$ -                   | \$ (410.35)          | Payment Accrued |
|               | \$ -               | 8/6/2021 | \$ 410.35          | \$ -                   | \$ (410.35)          | Payment Accrued |
| <b>Total:</b> | <b>\$ 1,641.05</b> |          | <b>\$ 2,872.45</b> | <b>\$ -</b>            | <b>\$ (1,231.40)</b> |                 |